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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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7 IN RE AIMMUNE THERAPEUTICS,  
8 INC. SECURITIES LITIGATION

Case No. 20-cv-06733-MMC

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10 **ORDER GRANTING CO-LEAD  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION; VACATING  
HEARING**

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12 Before the Court is the motion, filed March 8, 2024, by Co-Lead Plaintiffs Bruce  
13 Svitak and Cecilia Pemberton for an order: (1) certifying this action as a class action, (2)  
14 appointing Co-Lead Plaintiffs Bruce Svitak and Cecilia Pemberton as Class  
15 Representatives, and (3) appointing Co-Lead Counsel, Monteverde & Associates PC and  
16 Khan, Swick & Forti, LLC as Class Counsel. On April 22, 2024, defendants Aimmune  
17 Therapeutics Inc. and Jayson D.A. Dallas filed a response stating they do not oppose  
18 such request. The Court, having read and considered the moving papers, finds the  
19 requirements of Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure are  
20 satisfied.

21 Accordingly, the motion is GRANTED as follows:

22 1. The above-titled action is hereby certified as a class action on behalf of a class  
23 defined as:

24  
25 All record holders and all beneficial holders of Aimmune Therapeutics, Inc.  
26 ("Aimmune" or the "Company") common stock who held such stock at any  
27 time during the pendency of the tender offer involving Aimmune and  
28 Société des Produits Nestlé S.A. ("Nestle") (from September 14, 2020  
through October 9, 2020) and had their shares exchanged for \$34.50 per  
share in connection with the closing of the merger (on October 13, 2020)  
(the "Class"). Excluded from the Class are: (i) Nestle and its affiliates; (ii)

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1 the officers and directors of the Company and members of their immediate  
2 families; (iii) any entity in which Defendants have or had a controlling  
3 interest; and (iv) the legal representatives, heirs, successors or assigns of  
each officer and director of the Company.

2. Co-Lead Plaintiffs Bruce Svitak and Cecilia Pemberton are hereby appointed as  
3 class representatives, and Monteverde & Associates PC and Kahn, Swick & Foti,  
4 LLC are hereby appointed as Class Counsel.  
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6. Class Counsel shall continue to have all the responsibilities and duties set forth in  
7 the Court's order appointing them Co-Lead Counsel for the named plaintiffs (see  
8 Doc. No. 47) and shall also be responsible for ensuring all work by counsel is in  
9 the best interests of the plaintiffs and proposed class and is based on the  
10 qualifications and expertise of the person assigned particular tasks or  
11 responsibilities, counsel's knowledge of the law, facts and issues, efficiency, and  
12 cost effectiveness.  
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14. In light of the above, the hearing on the motion, noticed for June 28, 2024, is  
hereby VACATED.

16 **IT IS SO ORDERED.**

17 Dated: May 24, 2024

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19 MAKINE M. CHESNEY  
20 United States District Judge